

FILED

NOV 16 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANTHONY W. JOHNSON, JR.,

Plaintiff,

v.

R. W. FRITZ, et al.,

Defendants.

No. C 12-00722 EJD (PR)

ORDER ISSUING SUMMONS TO
DEFENDANT DR. WORRINGTON;
DIRECTING DEFENDANT TO FILE
DISPOSITIVE MOTION OR NOTICE
REGARDING SUCH MOTION;
INSTRUCTIONS TO CLERK

(Docket No. 52)

Plaintiff, a California inmate currently incarcerated at the High Desert State Prison in Susanville, filed the instant civil rights action in pro se pursuant to 42 U.S.C. § 1983 against prison officials at the Salinas Valley State Prison ("SVSP") for unconstitutional acts. The Court ordered the Clerk to send a Notice of Lawsuit and Request for Waiver of Service of Summons and Complaint upon the named defendants. (See Docket No. 16.) On August 23, 2012, the Litigation Coordinator returned the Waiver of Service for Defendant Dr. Worrington to the Court, indicating that he could be served at a different address. (Docket No. 31.) The Clerk of the Court resent the Waiver of Service to the address indicated on the notice on August 27, 2012. (Docket No. 33.)

On November 8, 2012, Plaintiff filed a motion requesting the Marshal serve

Defendant Dr. Worrington as this defendant had not yet returned the Waiver of Service of Summons. (Docket No. 52.) The motion is GRANTED. Because it is not clear whether Defendant Dr. Worrington ever received the Waiver of Summons, the Court will issue summons to this defendant rather than the waiver.

CONCLUSION

For the reasons stated above, the Court orders as follows:

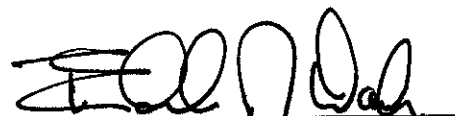
1. The Clerk of the Court shall issue summons and the United States Marshal shall serve, without prepayment of fees, a copy of the complaint, all attachments thereto, a copy of the Court's Order of Service, (Docket No. 16), and a copy of this order upon **Defendant Dr. Worrington** at the address provided by the Litigation Coordinator. (Docket No. 31.)

The Clerk of the Court shall also mail a courtesy copy of the complaint and a copy of this Order to the California Attorney General's Office. Additionally, the Clerk shall mail a copy of this Order to Plaintiff.

2. Defendant shall file a motion for summary judgment or other dispositive motion with respect to the claims in the complaint found to be cognizable, and briefing shall proceed thereafter, in accordance with the schedule and instructions set forth in the Court's Order of Service, filed August 9, 2012, (Docket No. 16).

This order terminates Docket No. 52.

DATED: 11/15/12


EDWARD J. DAVILA
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ANTHONY WAYNE JOHNSON, JR.,

Plaintiff,

v.

R. W. FRITZ, et al.,

Defendants.

Case Number CV 12-00722 EJD (PR)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 11/16/12, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) inter-office delivery receptacle located in the Clerk's office.

Anthony Wayne Johnson, Jr.
F-58411
High Desert State Prison
P. O. Box 3030
Susanville, CA 96127

DATED: 11/16/12

Richard W. Wierking, Clerk
By: Elizabeth Gatica Deputy Clerk